

REMARKS

Response to Restriction Requirement

The Examiner has requested that Applicant elect between Groups 1 through 8 as follows:

Group 1: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is isoxazolyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 2: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is pyridinyl or isonicotinoyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 3: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is furoyl or furyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 4: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is thienyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 5: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is pyrrolyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 6: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is pyrazolyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 7: Claim(s) 1-13, 20-30 and 32-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is 9- or 10-membered bicyclic heteroaryl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 8: Claim(s) 1-37 (in part), drawn to the remaining compounds of formula I wherein:

Q¹ is another ring;
Q² is another ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Applicant hereby elects, with traverse, Group 1. Group 1 restricts Q¹ to a piperidinyl ring and Q² to an isoxazolyl ring and makes no other restrictions on the scope of the compounds of formula I. The Examiner recites that Group 1 includes only claims 1-19 and 26-37. However, dependent claims 23, 24 and 25 also encompass compounds of elected claim 1 wherein Q¹ is a piperidinyl ring and Q² is an isoxazolyl ring, and further limit claim 1 only with respect to the

optional substituents on Q². Therefore, it is respectfully requested that claims 23, 24 and 25 (dependent on claim 1) be included within elected Group 1.

The claims have been amended above to be consistent in compound scope with Applicants' election of Group 1. Claims 1-19 and 23-37 encompass the elected invention.

Claim Amendments

The claims have been amended to bring the compound definition within the scope of elected Group 1, including the cancellation of claims 14, 15 and 18-22. Claims 35 and 36, while being within the scope of elected Group 1, have also been cancelled as being in a "use" format not generally accepted under US practice. The claims have also been amended to eliminate improper multiple dependencies and otherwise reduce excess claims fees; to more appropriately refer to "The compound" rather than "A compound" in the dependent compound claims; to remove explanatory recitations, such as "for example" and "particularly," as not further limiting the claims; and to remove the phrase "by conventional means" from the end of process for making claim 32 to avoid possible indefiniteness.

It should be clear from the above that no new matter has been added by the above amendments, and entry thereof is believed to be appropriate and is respectfully requested. These amendments are being made without disclaimer or prejudice to Applicants' right to prosecute the subject matter deleted thereby in one or more divisional applications. Following entry of these amendments, claims 1-13, 16-17, 23-34 and 37 remain pending in this application.

Updated Table of Related Applications

The Examiner's attention is directed to the following *updated* table of co-pending U.S. patent applications of Applicants' assignee, which may be considered technically related to the present application. The current status of each application as reported in the PAIR database is given in the right-hand column. Each of the published US applications and PCT applications *not previously cited* is listed on the form PTO-1449 attached to the Information Disclosure Statement being submitted herewith, and a copy of each listed published PCT application is provided herewith or has been submitted with previously filed Information Disclosure Statements.

It is assumed that the Examiner has ready electronic access to each of the listed US

applications, but the undersigned will provide a copy of any document from these files if requested by the Examiner.

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
10/275,382 November 5, 2002	Hennequin <i>et al.</i>	7,049,438 May 23, 2006	WO 01/094341 December 13, 2001	Patented
11/283,415 November 21, 2005	Hennequin <i>et al.</i>	US 2006-0258642 November 16, 2006	WO 01/094341 December 13, 2001	Pending before Examiner Paul V Ward in GAU 1624; Response to Non Final Action Filed 07-29-2009
10/494,137 October 6, 2004	Hennequin <i>et al.</i>	US 2005-0043336 February 24, 2005	WO 03/040108 May 15, 2003	Abandoned
11/443,208 May 31, 2006	Hennequin <i>et al.</i>	US 2007-0082921 April 12, 2007	WO 03/040108 May 15, 2003	Pending before Examiner Brian E McDowell in GAU 1624; Response to Non Final Action Filed 09-14-2009
10/494,388 October 1, 2004	Hennequin <i>et al.</i>	US 2005-0054662 March 10, 2005	WO 03/040109 May 15, 2003	Abandoned
11/443,395 May 31, 2006	Hennequin <i>et al.</i>	US 2007-0088044 April 19, 2007	WO 03/040109 May 15, 2003	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Non Final Action Mailed 09-29-2009
10/554,202 October 24, 2005	Bradbury <i>et al.</i>	US 2007-0149546 June 28, 2007	WO 2004/093880 November 4, 2004	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Notice of Allowance Mailed 08-20-2009
10/555,085 October 31, 2005	Hennequin <i>et al.</i>	US 2006-0211714 September 21, 2006	WO 2004/096226 November 11, 2004	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Notice of Allowance Mailed 10-01-2009
10/572,261 March 16, 2006	Hennequin <i>et al.</i>	US 2007-0032513 February 8, 2007	WO 2005/026157 March 24, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Response to Non Final Action Filed 07-29-2009
10/571,851 March 15, 2006	Bradbury <i>et al.</i>	US 2007-0032508 February 8, 2007	WO 2005/026151 March 24, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Response to Non Final Action Filed 07-30-2009

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
10/572,262 March 16, 2006	Bradbury <i>et al.</i>	US 2007-0015743 January 18, 2007	WO 2005/026152 March 24, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Response to Non Final Action Filed 06-29-2009
10/573,090 March 15, 2006	Hennequin <i>et al.</i>	US 7,569,577 August 4, 2009	WO 2005/026150 March 24, 2005	Patented
12/482,620 June 11, 2009	Hennequin <i>et al.</i>		WO 2005/026150 March 24, 2005	Application Dispatched from Preexam, Not Yet Docketed
10/572,303 March 17, 2006	Hennequin <i>et al.</i>	US 2008-0234263 September 25, 2008	WO 2005/026156 March 24, 2005	Pending before Examiner Douglas M Willis in GAU 1624; Non Final Action Mailed 08-03-2009
10/578,663 January 17, 2007	Bradbury <i>et al.</i>	US 2007-0244136 October 18, 2007	WO 2005/051923 June 9, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Notice of Allowance Mailed 07-10-2009
10/586,965 August 3, 2007	Delouvrie <i>et al.</i>	US 2007-0293490 December 20, 2007	WO 2005/075439 August 18, 2005	Pending before Examiner Douglas M Willis in GAU 1624; Notice of Allowance Mailed 07-31-2009
11/628,011 November 30, 2006	Bradbury <i>et al.</i>	US 2007-0232607 October 4, 2007	WO 2005/118572 December 15, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Ready for Examination
11/792,921 June 13, 2007	Barlaam <i>et al.</i>	US 2008-0108613 May 8, 2008	WO 2006/064196 June 22, 2006	Pending before Examiner Susanna Moore in GAU 1624; Ready for Examination
11/817,393 May 19, 2008	Bradbury	US 2009-0137615 May 28, 2009	WO 2006/092573 September 8, 2006	Pending before Examiner Brian E. McDowell in GAU 1624; Restriction Requirement Mailed 07-22-2009
11/817,391 August 29, 2007	Bradbury		WO 2006/092574 September 8, 2006	Application Undergoing Preexam Processing
11/912,792 August 21, 2008	Bradbury	US 2009-0221616 September 3, 2009	WO 2006/117523 November 9, 2006	Pending before Examiner Samira JM Jean-Louis in GAU 1617; Ready for Examination

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
11/912,794 August 21, 2008	Bradbury	US 2009-0023759 January 22, 2009	WO 2006/117521 November 9, 2006	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Ready for Examination
12/067,415 February 25, 2009	Bradbury	US 2009-0239861 September 24, 2009	WO 2007/034143 March 29, 2007	Pending before Examiner Yvonne L Eyler in GAU 1624; Ready for Examination
12/067,416 August 12, 2008	Bradbury <i>et al.</i>	US 2009-0048251 February 19, 2009	WO 2007/034144 March 29, 2007	Pending before Examiner Brian E. McDowell in GAU 1624; Restriction Requirement Mailed 08-28-2009
12/095,665 May 30, 2008	Barlaam		WO 2007/063291 June 7, 2007	Application Undergoing Preexam Processing
12/095,659 May 30, 2008	Bradbury <i>et al.</i>	US 2009-0029968 January 29, 2009	WO 2007/063293 June 7, 2007	Pending before Examiner Brian E. McDowell in GAU 1624; Ready for Examination
10/857,342 June 1, 2004	Bradbury <i>et al.</i>	7,148,230 December 12, 2006	WO 2005/012290 November 4, 2004	Patented
11/636,549 December 11, 2006	Bradbury <i>et al.</i>	US 2007-0099943 May 3, 2007	WO 2005/012290 November 4, 2004	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Non Final Action Mailed 09-29-2009
10/508,675 September 22, 2004	Bradbury <i>et al.</i>	US 2005-0215574 September 29, 2005	WO 03/082831 October 9, 2003	Abandoned
12/147,250 June 26, 2008	Bradbury <i>et al.</i>	US 2008-0269487 October 30, 2008	WO 03/082831 October 9, 2003	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Non Final Action Mailed 08-17-2009
10/571,991 March 15, 2006	Bradbury <i>et al.</i>	US 2008-0096881 April 24, 2008	WO 2005/028469 March 31, 2005	Pending before Examiner Douglas M Willis in GAU 1624; Response to Non Final Action Filed 06-23-2009
10/572,048 March 15, 2006	Bradbury <i>et al.</i>	US 2007-0037837 February 15, 2007	WO 2005/028470 March 31, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Response to Final Action Filed 09-08-2009

U.S. Serial No. Filing Date	Inventor	U.S. Pub. No. Pub. Date	PCT Pub. No. PCT Pub. Date	Current Status
10/573,352 March 24, 2006	Bradbury <i>et al.</i>	US 2007-0043010 February 22, 2007	WO 2005/030757 April 7, 2005	Pending before Examiner Tamthom Ngo Truong in GAU 1624; Response to Non Final Action Filed 05- 22-2009
11/884,923 August 23, 2007	Halsall <i>et al.</i>		WO 2006/090163 August 31, 2006	Application Undergoing Preexam Processing

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Director is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,
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